

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

PLAINTIFF'S DESIGNATION OF DEPOSITION TRANSCRIPTS

Comes now the Plaintiff in the above-styled cause and pursuant to the Court's Uniform Scheduling Order and outlines the portions of the deposition transcripts that he may use at the trial of this case:

1. Deposition of Martin Long:

Page 185, lines 3-23; page 186, lines 1-6 and 9-23; page 187, lines 1-23; page 188, lines 1-23; page 189, lines 1-6; page 190, lines 1-23; page 191, lines 1-23; page 192, lines 1-23; page 193, lines 1-23; page 194, lines 1-2 and lines 5-23; page 195, lines 1-23; page 196, lines 1-2 and lines 5-23; page 197, lines 1-23; page 198, lines 1-2 and 10-22; page 200, lines 15-23; and page 201, lines 1-2.

2. Deposition of Tony D. Nix:

Page 4, lines 6-7; page 8, lines 3-13; page 9, lines 1-8; page 16, lines 3-25; page 17, lines 1-25; page 18, lines 1-2; page 20, lines 7-12 and lines 18-22; page 21, lines 11-15 and lines 22-24; page 22, lines 3-25; page 23, lines 1-25; page 24, lines 1-25; page 25, lines 1-25;

page 26, lines 1-25; page 27, lines 1-7; page 29, lines 15-20; page 33, lines 7-25; page 34, lines 1-4; page 37, lines 7-25; page 38, lines 1-25; page 39, lines 1-25; page 40, lines 1-25, page 41, lines 1-25; page 42, lines 1-25; page 43, lines 1-7; page 47, lines 6-25; page 48, lines 1-25; page 49, lines 1-25; page 50, lines 1-2 and lines 9-25; page 51, lines 1-25; page 52, lines 1-25; page 53, lines 1-16; page 56, lines 1-12; page 57, lines 20-25; and page 58, lines 1-2.

3. Deposition of Todd Smith:

Page 7, lines 6 and 12; page 10, lines 23-25; page 11, line 1; page 15, line 25; page 16, line 1 and lines 11-25; page 17, lines 19-25; page 18, lines 1-3; page 29, lines 5-25; page 30, lines 1-24; page 31, lines 15-19; page 32, lines 3-25; page 33, lines 1-3 and lines 11-25; page 34, lines 1-18 and line 25; page 35, lines 1-7; page 37, lines 8-25; page 38, lines 1-14; page 39, lines 1-7 and 14-25; page 40, lines 1-5; page 46, lines 21-25; page 47, lines 1-20; page 52, lines 8-25; page 53, lines 1-25; page 54, lines 1-15; page 55, lines 16-25, page 56, lines 1-25; page 57, lines 1-15; page 59, lines 10-25; page 60, lines 1-21; page 61, lines 6-12; page 65, lines 14-25; pages 66-71, lines 1-25; page 72, lines 1-4 and 8-25; page 73, lines 1-12; page 75, lines 5-25; pages 76-80, lines 1-25; page 81, lines 1-7; pages 82-84, lines 1-25; page 85, lines 1-8 and 23-25; pages 86-88, lines 1-25; page 89, lines 1-10 and 14-25; pages 90-94, lines 1-25; page 95, lines 1-20; page 97, lines 9-25; page 98-99, lines 1-25; page 100, lines 1-13; page 101, lines 10-11; page 102, lines 4-6 and 15-25; page 103, lines 1-23; page 104, lines 1-3; page 106, lines 21-25; page 107, lines 1-12 and 15-25; page 108, lines 1-25; page 109, line 1 and lines 4-25; page 110, lines 1-16 and 19-25; page 111, lines 1-25; page 112, lines 1-11; page 113, lines 4-25; page 114, lines 1-7 and 10-25; page 115-118, lines 1-25; page 119, lines 1-10 and 18-25; page 120, lines 1-25; page 121, lines 3-25; page 122, lines 1-25; page 123, lines 1-16; pages 124-125, lines 1-25; page

126, lines 1-6 and 12-25; pages 127-133, lines 1-25; page 134, lines 3-25; lines 135-136, lines 1-25; page 137, line 1 and 23-25; page 138, lines 1-4; page 141, lines 2-25; page 142, lines 1-3 and 14-25; pages 143-145, lines 1-25; page 146, lines 1-7 and 15-25; page 147, lines 1-25; page 150, lines 19-25; page 151, lines 1-25; page 152, lines 1-23; page 153, lines 9-18; page 156, lines 5-8 and 13-25; page 157, lines 1-25; page 158, lines 1-8 and 18-25; page 159, lines 1-25; page 160, lines 1-16; page 161, lines 1-23; page 162, lines 18-25; page 163, lines 1-23; page 164, lines 16-19; page 171, lines 17-25; page 172, lines 1-12; page 179, lines 1-6 and 12-25; page 180, line 1 and lines 4-8; page 181, lines 8-14 and 16-23; page 182, lines 4-9 and 14-25; page 183, lines 1-19 and 23-25; page 184, lines 1-8 and 24-25; pages 185-187, lines 1-25; page 189, lines 1-15 and 19-25; page 189, lines 1-13; page 193, lines 2-25; and page 194, lines 1-5.

Respectfully submitted,

s/F. Tucker Burge
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CERTIFICATE OF SERVICE

I hereby certify that I have this 13th day of June, 2007, electronically filed the above and foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to James B. Newman, Esq., Helmsing, Leach, Herlong, Newman & Rouse, Post Office Box 2767, Mobile, AL 36652.

s/ F. TUCKER BURGE
OF COUNSEL